

Appl. No.: 09/913,378; Group Art Unit: 1731  
Response dated February 23, 2007  
Reply to August 29, 2006 Office Action

### **Remarks**

The foregoing amendments and following remarks are responsive to the August 29, 2006 Office Action. Reconsideration is respectfully requested.

### **Status of the Claims**

Claims 10, 28, 31, and 34 are amended. Claims 10-35 are pending.

### **Support for Amendments to the Claims**

Claims 10, 28, 31, and 34 have been amended to recite that the claimed process makes moist paper substrates. Support for the amended claims can be found at page 24, line 18 and Table 1 at page 25, where it is described that the substrates of the invention possess a "moist" sensorial feeling on touch. No new matter is added.

### **Rejection under 35 U.S.C. § 103(a)**

Claims 10-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,207,014 (de Haut).

Claims 10, 28, 31, and 34 have been amended to recite that the process of the invention provides a "moist" paper substrate. The treated substrates of the invention have a moist sensorial feel to the touch of the user. As will be discussed further, the compositions of de Haut provide a "dry feel" to the treated substrates of de Haut, which "dry feel" is highly desired by de Haut.

de Haut (column 5, lines 59-66) describes a softening composition for paper which contains (a) 35 to 90% by weight of saturated linear fatty alcohols having 18-24 carbon atoms; (b) 1 to 50% by weight of waxy esters containing 24 to 48 carbon atoms; (c) 0 to 20% by weight of non-ionic and/or amphoteric emulsifiers; and (d) 0 to 50% by weight of mineral oil or wax.

The compositions of de Haut provide a "dry feel" to the treated substrates of de Haut, which "dry feel" is highly desired by de Haut, as discussed hereinafter.

At column 4, lines 52-59, de Haut discloses that:

"Other objects of the invention are to provide a composition imparting greater pliancy and a more velvety feel to the fibrous structures. **Moreover, this feel remains dry**, contrary to the case of some lotions which once impregnated for example in a paper product provide a greasy feel or deposit a grease film on the skin or on spectacles occasionally wiped by means of this kind of product, handkerchief or facial tissue (emphasis added)."

At column 9, lines 23-26, de Haut teaches that:

"Its [de Haut composition] main effect on an absorbent paper product on one hand is to impart a soft and slippery feel to the paper **which remains dry**, and on the other hand to soften the skin surface in contact with this paper (emphasis added)."

At column 10, lines 62 to column 11, lines 1-3, de Haut describes added advantages of the treated substrates remaining dry as follows:

"In surprising manner, it has been noted that after drying the sheet, regardless of the stage of its manufacture or conversion, **the lotion-treated /impregnated surfaces of a sheet lend themselves to problem-free embossing. This feature is an advantage relative to the lotions of the prior art, in particular lotions evincing a greasy feel and which cannot be applied to paper substrates awaiting embossing**, and thus prevent embossing (emphasis added)."

Thus, it is clear that the compositions of de Haut provide a treated substrate that is **dry to the feel or touch of the user**. de Haut, as described above, clearly teaches the desirability of treated substrates that possess a **dry feel**.

By way of comparison, the process of Claims 10, 28, 31 and 34, and the claims dependent thereon, call for making a paper substrate which is **moist**. The substrates treated by way of Applicants' invention possess a desired **moist feel to the touch of the user**. See Table 1 at page 25 of the specification relating to the "**moist** sensorial evaluation" provided by the examples of the invention. This is the directly opposite

result and goal of the explicit teachings and disclosure of de Haut.

de Haut does not teach or suggest the moist substrates obtained by way of the invention. Clearly, de Haut desires and leads one of skill to substrates having a **dry feel** when treated with the compositions of de Haut.

de Haut therefore cannot render obvious the claims of the present invention. Accordingly, Claims 10-35 are patentable over the teachings of de Haut.

While it is more than reasonably believed and well-based in the law that Claims 10-35 are patentable over de Haut for the reasons discussed above, there are additional reasons presented hereinafter that the claims are patentable over de Haut.

With regard to Claim 10 (and Claims 11-16 which depend therefrom), de Haut fails to teach or suggest an emulsion consisting essentially of: (i) a polyol poly-12-hydroxystearate; (ii) a wax ester; and (iii) a wax. All of de Haut's compositions include a saturated fatty alcohol.

According to de Haut at column 5, lines 43-47, "one or more saturated linear fatty alcohols having at least 16 carbon atoms" is described as one the "active ingredients" which constitute an "essential feature of the invention."

At column 6, lines 62-67, de Haut describes that:

**"The length of the carbon chain of the fatty alcohol is essential with respect to applying the lotion to the surface of the fibrous structures. A sufficiently long chain allows this kind of molecule to remain at the surface of the fibrous structure, such as a sheet of paper, rather than penetrating the surface and migrate into the structure (emphasis added)."**

Thus, de Haut describes the criticality of the saturated fatty alcohol, as well as the essential role its length plays in the compositions of de Haut for treating the surfaces of substrates.

Clearly, the saturated fatty alcohols are critical to the compositions of de Haut, and such criticality does not support "the examiner's opinion that the use of saturated fatty acids [sic] would not materially change the composition..." de Haut itself supports

the material change that would result from the addition of saturated fatty alcohols to the compositions at issue for treating substrates.

With regard to Claim 28 (and Claims 29-30 which depend therefrom), de Haut also fails to teach or suggest an emulsion comprising: (i) a polyol poly-12-hydroxystearate; (ii) an unsaturated wax ester; and (iii) a wax. De Haut fails to teach or suggest the claimed combination which includes an unsaturated wax ester. Presuming, *arguendo*, that unsaturated wax esters are contemplated by de Haut, the teaching of de Haut leads one skilled in the art to use a saturated waxy ester, particularly since all the waxy esters disclosed by de Haut are saturated (col. 7, lines 6-12 and lines 27-31, col. 9, lines 35-43, col. 12, lines 3-5 of de Haut).

Also see column 8, lines 25-28 where de Haut teaches that:

**"The fatty alcohols, waxy esters and emulsifiers [all of the components of the compositions of de Haut] are selected in such a way that they will not generate odors in the composition (emphasis added)."**

Thus, de Haut clearly teaches and leads one of skill in the art to select all of the components of the composition so as to avoid the generation of odors.

With regard to Claim 31 (and Claims 32-33 which depend therefrom), de Haut also fails to teach or suggest an emulsion comprising: (i) about 5 to 25% by weight of a polyol poly-12-hydroxystearate; (ii) about 50 to 90% by weight of an unsaturated wax ester; and (iii) about 5 to 25% by weight of a wax (the weight percentage of each component is based on the weight of the emulsion). De Haut fails to teach or suggest the claimed combination which includes an unsaturated wax ester.

As discussed above, none of the esters disclosed by de Haut is unsaturated. de Haut clearly leads one of skill in the art to utilize saturated materials for all of the components of the compositions of de Haut.

With regard to Claim 34 (and Claim 35 which depends therefrom), de Haut also fails to teach or suggest an emulsion comprising: (i) a polyol poly-12-hydroxystearate;

(ii) an unsaturated wax ester selected from the group consisting of glycerol oleate, oleyl erucate, oleyl oleate and mixtures thereof; and (iii) a wax. De Haut fails to teach or suggest the claimed combination which includes an unsaturated wax ester as discussed above. In addition, no unsaturated esters are disclosed by de Haut, such as, for example, glycerol oleate, oleyl erucate, oleyl oleate and mixtures thereof as claimed.

de Haut fails to teach, suggest, or provide motivation to one skilled in the art at the time of the invention to achieve **moist paper substrates**.

de Haut fails to teach, suggest, or provide motivation to one skilled in the art at the time of the invention to achieve an emulsion (1) "consisting essentially of" the components in Claim 10; (2) comprising an unsaturated wax ester as in Claims 28 and 31; and (3) comprising an unsaturated wax ester selected from the group consisting of glycerol oleate, oleyl erucate, oleyl oleate and mixtures thereof as in Claim 34 with any reasonable expectation of success.

Therefore, the subject matter of Claims 10-35 is unobvious in view of de Haut. In view of the lack of teaching, suggestion or motivation from de Haut, the rejection should be withdrawn. Reconsideration and withdrawal of the rejection are respectfully requested.

#### Fees

A Petition for a Three-Month Extension of Time is enclosed. No additional fees are believed due, but the Commissioner is authorized to charge (or credit any balance) any fees deemed due (or owing) to Deposit Account No. 50-1177.

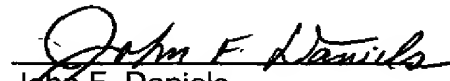
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**Conclusion**

It is respectfully submitted that Claims 10-35 are in condition for allowance. A Notice of Allowance is respectfully requested. If anything further is needed to advance the allowance of this application, the Examiner is requested to contact Applicants' attorney at the telephone number indicated below.

Respectfully submitted,

Date: February 22, 2007

  
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